Remarks

The Applicants respectfully request reconsideration of the application in view of the foregoing amendments and the following remarks.

The Applicants have rewritten dependent claim 7 in independent form as claim 32. The Applicants have canceled claim 7 without prejudice.

Claims 1-6, 8-15, and 32 (as previous claim 7) should be allowable for the reasons given in the Amendment After Final filed July 13, 2005. In response to the Advisory Action dated August 11, 2005, the Applicants have several comments.

With reference to U.S. Patent Application Publication US 2002/0122067 A1 to Geigel et al. ["Geigel"], the Examiner writes that in paragraph [0057], functions include "1) selection of the best images per page, 2) automatic image cropping and 3) association of particular images." The Examiner then writes:

> The Geigel system ... has minimum input from the user; however, as cited in paragraph [0078] this does not limit the application from a more interactive environment which broadly considered produces said functions (1-3) as being applicable to user interaction.

The Applicants respectfully disagree with the Examiner's characterization of Geigel paragraph [0078]. Paragraph [0078] describes "definition of the fitness function" as the "most important implementation task" of the Geigel system, and then references "an approach whereby the fitness is determined directly by the user's visual evaluation." Paragraph [0078] presents this approach as a *limited exception* to the goal of Geigel to "minimize the user input." Subsequent paragraphs [0079] to [0085] make clear that the user input referenced in paragraph [0078] is "user preferences" for criteria (Balance, Spacing, Chronology, Emphasis, and Unity). This is consistent with how Geigel elsewhere characterizes "user preferences" in the Geigel system. [See, e.g., Geigel, paragraphs [0010] and [0056].] As noted in the Amendment After Final filed July 13, 2005, specifying or refining graphic design parameter preferences for a page (but not constituent images) leads away from the language of claims 1, 6, and 11, respectively, cited in the Amendment After Final.

The Examiner also cites Geigel paragraph [0107] in the Advisory Action. Paragraph [0107] describes evaluation by the Geigel Albuming Automation System ["AAS"] according to

the Unity criterion of a fitness function. Such automatic processing by the AAS leads away from the language of claims 1, 6, and 11, respectively, cited in the Amendment After Final.

Conclusion

The claims in their present form should now be allowed. Such action is respectfully requested. The Examiner is invited to call the undersigned attorney at the telephone number below if the Examiner believes that doing so would further the prosecution of the present application.

Respectfully submitted,

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